

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No. SACV 08-1266 JVS (RNBx) Date November 20, 2008

Title Mundy v. Euclid Shopping Center LLC

Present: The Honorable James V. Selna

<u>Karla J. Tunis</u>	<u>Not Present</u>
<u>Deputy Clerk</u>	<u>Court Reporter</u>

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

<u>Not Present</u>	<u>Not Present</u>
--------------------	--------------------

Proceedings: (In Chambers) Order to Show Cause re Jurisdiction

Defendant Euclid Shopping Center LLC (“Euclid”) removed the present action from the Superior Court of the State of California, County of Orange, invoking federal question jurisdiction, 28 U.S.C. § 1331. (Notice of Removal, ¶ 2.)

The sole cause of action asserted by plaintiff Thomas Mundy (“Mundy”) is a claim under Sections 54 and 54.1 of the California Civil Code, commonly called the Unruh Act. Mundy asserts no federal claim.

While the question of whether removal of architectural barriers is readily achievable may be an issue under the Americans with disabilities Act (“ADA”), Mundy has not pled such a claim. Generally, a plaintiff is entitled to be the master of his complain, and if so chooses, seek relief only under state statutory or common law. Caterpillar Inc. V. Williams, 482 U.S. 386, 392 (1987).

Euclid is ordered to show cause in writing within 10 days why the case should not be remanded to state court for lack of jurisdiction.

: 00

Initials of Preparer

kjt